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Affidavit on Behalf  
of Character Claimants

SS. :

Albert Gottesman, being duly sworn, deposes and says:

1. I am the Vice President of Muppets, Inc., one of the character claimants in this proceeding. I am fully familiar with claimant's business and operations, including the matters relating to the subject of this cable royalty distribution proceeding.

2. Muppets, Inc. is, and throughout 1978 was, the owner of copyright in certain pictorial, graphic and sculptural works, namely, well-known, distinctive and popular visual characters, including, among others, each of the following:

- (a) BIG BIRD,
- (b) MR. SNUFFLE-UPAGUS,
- (c) BERT,
- (d) ERNIE,
- (e) COOKIE MONSTER,
- (f) GROVER,

- (g) OSCAR,
- (h) THE COUNT, and
- (i) HERRY MONSTER.

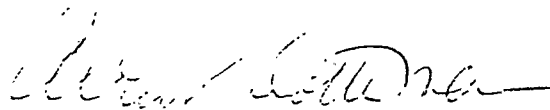
3. The copyrighted works, i.e., the copyrighted characters described in Paragraph 2, were included in "SESAME STREET", a non-network, syndicated television program during 1978.

4. "SESAME STREET" was included in the Arbitron Television Syndicated Program Analysis Audience Estimates of November, 1978, and there are attached hereto copies of the reports of the Arbitron Analysis showing the markets and broadcast stations on which such program was syndicated in 1978. In addition, according to information provided by Children's Television Workshop, the "SESAME STREET" program was carried on 280 stations that are part of the Public Broadcasting System. Please see attached list of of stations for 1978-1979 season.

5. To the best of my knowledge and belief, each of the foregoing copyrighted works or characters was likewise included in distant non-network retransmissions made by cable systems during 1978. For example, the character BIG BIRD was included in retransmission of "SESAME STREET" by Warner Cable of Berlin from Station WCBB.

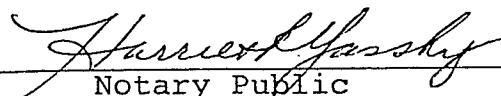
6. Visual representations of our characters are annexed to this affidavit. Our copyrighted characters were included without transformation in appearance or identity in the television programs identified above. Thus, each character continued to retain its inde-

pendent existence, its immediately recognizable identity and its distinctive appeal apart from and, indeed, paramount to the particular stories, settings or other programming material in which the character was included.



Albert Gottesman  
Vice President

Sworn to before me this  
14<sup>th</sup> day of March, 1980



Notary Public

**HARRIET E. YASSKY**  
Notary Public, State of New York  
No. 30-4360815  
Qualified in Nassau County  
Certificate filed in New York County  
Commission Expires March 30, 1981